

LAND USE SERVICES DEPARTMENT

ADVANCE PLANNING DIVISION

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COUNTY OF SAN BERNARDINO PUBLIC AND SUPPORT SERVICES GROUP

JULIE RYNERSON ROCK

Director

February 2, 2009

Terry Roberts, Director
State Clearing House
Governor's Office of Planning and Research
P.O. Box 3022
Sacramento, CA 95812-3044

Re: Proposed Amendments to the CEQA Guidelines

Dear Ms. Roberts,

The County of San Bernardino (County) appreciates the opportunity to provide comments on the proposed amendments to the California Environmental Quality Act (CEQA) Guidelines, drafted by the Governor's Office of Planning and Research (OPR) to provide statutory guidance on addressing greenhouse gas (GHG) emissions. The County recognizes and appreciates the tremendous effort devoted by OPR in drafting these proposed CEQA Guidelines changes (Amendments), and would like to commend OPR for its leadership on this important undertaking. The proposed Amendments reflect a balanced approach, placing the responsibility for analyzing GHG emissions and setting thresholds on lead agencies, while providing lead agencies with latitude in analyzing GHG emissions under CEQA. Below are the County's comments on the proposed Amendments.

CEQA Guidelines: Sections 15064(h)(3), 15130(b)(1)(B), and 15130(d)

CEQA Guidelines Sections 15064(h)(3), 15130(b)(1)(B), and 15130(d) reference "Climate Action Plans" as appropriate plans for use in determining significance of GHG emissions, or for providing a summary of projections approach to cumulative impacts related to GHG emissions. The term "Climate Action Plan" appears legally ambiguous, since the CEQA Guidelines, as currently drafted, do not define such a plan. Additionally, the County is concerned that the use of this term and the omission of the term "Greenhouse Gas Reduction Plan" may be interpreted so as not to include GHG reduction plans as among those plans referenced in the proposed Amendments. The County of San Bernardino is currently preparing a GHG Reduction Plan, which focuses on reducing greenhouse gas emissions. Similarly, the primary focus of the proposed Amendments is to provide guidance for analyzing impacts and addressing mitigation of "greenhouse gas emissions." For these reasons, the County submits that the term "Greenhouse Gas Reduction Plan(s)" is the most appropriate term and that it should be used in lieu of the term "Climate Action Plan(s)". Alternatively, the County requests that the term "Greenhouse Gas Reduction Plan(s)" be added to the description of appropriate plans where reference is made to Climate Action Plans in the proposed Amendments.

MARK H. UFFER
County Administrative Officer

NORMAN A. KANOLD
Assistant County Administrator
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Board of Supervisors

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CEQA Guidelines: Sections 15064(h)(3) and 15152 (h) (7):

Does reference to a "regional transportation plan" imply that the regional transportation agencies (i.e. SCAG, which model local transportation projects for regional air quality conformity), will be incorporating GHG emissions analysis in their plans to the extent that transportation projects modeled for regional conformity will not be subject to further analysis by local agencies? A few agencies have voiced concerns over the potential for duplication of efforts in the recent OPR workshop. Given the transportation issues affecting Southern California, it would be helpful if OPR could provide some clarity in its proposed CEQA amendments as to some of the tiering that could occur, if possible.

CEQA Guidelines: Section 15130

OPR proposes adding Subsection (f), which states that:

"An EIR should evaluate greenhouse gas emissions associated with a proposed project when those emissions, when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects, may result in a cumulatively considerable impact to the environment that cannot be mitigated to a level of less than significant."

The County requests that this section be removed from the CEQA Guidelines, or that the language stating "when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects" be replaced with "when viewed in connection with the effects of all other anthropogenic sources of greenhouse gas emissions..." The concern with this section, as currently drafted, is that the language describing all past, current, and probable future projects can be interpreted as needing to do a list of all other projects in order to perform analysis of cumulative impacts associated with GHG emissions. This requires a list of all projects associated with climate change impacts, which is an impossible task. At the very least OPR should consider eliminating the requirement to incorporate analysis of past project impacts

CEQA Guidelines: Appendix G, Initial Study Checklist

Agriculture and Forestry Resources

The County is concerned that assessing significant impacts may be difficult, if not impossible, if the Department of Forestry and Fire Protection have not compiled sufficient quantifiable data to assist each local agency in assessing significant impacts.

Item II (d) reads, *"Result in the loss of forest land or conversion of forest land to non-forest use?"* and the added language in item II (e) reads, *"...or conversion of forest land to non-forest use?"* Please clarify how these two items are different and / or add an example of each.

Also, please clarify whether forest service / private land exchanges require determining impacts to forest resources as identified in this section?

Transportation/Traffic

The County recognizes the need to balance level of service (LOS) and traffic congestion with other ways of measuring traffic impacts such as number of vehicle trips or vehicle miles traveled. In addition, the County realizes that in order to address pedestrian and bicycle traffic as well as motorized vehicle traffic LOS needs to be augmented with other forms of traffic flow measurement. However, to remove LOS completely from the language of the Appendix G CEQA checklist questions does not provide a balanced approach. The County suggests the following changes:

Replace XVI (a) with the following language:

"Result in a substantial increase in volume-to-capacity ratios that exceed County or local General Plan standards?"

Insert new XVI (b):

"Result in a change in traffic patterns, which will change how roadway networks are functioning compared to General Plan requirements and standards? (e.g., significant traffic diverted to a designated local street not built to accommodate the increased volume)"

Thank you for the continued opportunity to play an active role in this process. Should you have any questions or need additional information, please do not hesitate to contact me at 909.387.4141 or Jim Squire at 909.387.0236 or via email: jsquire@sbcounty.gov.

Sincerely,



JULIE RYNERSON ROCK, Director
County of San Bernardino
Land Use Services Department

JMR:bjja